



COUNTY OF EL DORADO PLANNING COMMISSION

Building C Hearing Room
2850 Fairlane Court, Placerville, CA 95667
<http://www.edcgov.us/planning>
Phone: (530) 621-5355 Fax: (530) 642-0508

Dave Pratt, Chair, District 2
Walter Mathews, First Vice-Chair, District 4
Tom Heflin, Second Vice-Chair, District 3
Lou Rain, District 1
Brian Shinault, District 5

Char Tim Clerk of the Planning Commission

MINUTES

**Regular Meeting
October 25, 2012 – 8:30 A.M.**

1. CALL TO ORDER

Meeting was called to order at 8:30 a.m. Present: Commissioners Rain, Pratt, Mathews and Shinault; Paula Frantz-County Counsel*; and Char Tim-Clerk of the Planning Commission.
*[*Arrived at 8:37 a.m and was in attendance at the start of the public hearing portion.]*

2. ADOPTION OF AGENDA AND ADDENDUM

Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (4-0), to adopt the agenda and addendum as presented.

AYES: Rain, Shinault, Mathews, Pratt
NOES: None
ABSENT: Heflin

3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR (All items on the Consent Calendar are to be approved by one motion unless a Commission member requests separate action on a specific item.)

a. Minutes: October 11, 2012

Staff Recommendation: Approve Meeting Minutes as presented

DESIGN REVIEW

b. **DR12-0003/Meyers Roadrunner Gas Station** submitted by THOMAS SWEENEY/SWEENEY ASSOCIATES [Agent: L.A. Perks Petroleum Specialists/Keith Perks] for a remodel of an existing fueling station facility to include the following structures/improvements: 1. A new 2,200 square foot canopy with four fuel pumps; 2. The re-facing of an existing 2,942 square foot convenience store and gas station office; 3. Removal of an existing 40 square foot freestanding fuel pricing sign; 4. A 100 square foot monument sign containing a 50 square foot fuel pricing display with four static non-moving 10" x 27" LED price panels and station logo; and 50 square feet of retail advertising; 5. The authorization of an existing nonconforming 913 square foot detached retail bike shop and a 320 square foot accessory storage container; and 6. Temporary tent shelters for outdoor bicycle display and service. The property, identified by Assessor's Parcel Numbers 034-270-10 and 034-270-16, consisting of 0.98 acre, is located on the east side of U.S. Highway 50, approximately 50 feet north of the intersection with Apache Road in the Meyers area, Supervisorial District 5. [Project Planner: Tom Purciel] (Categorical Exemption pursuant to Section 15303(c) of the CEQA Guidelines)** [Conceptual motion made on 10/11/12 and continued to 10/25/12 meeting]

Staff Recommendation: Staff recommends that the Planning Commission take the following actions:

1. Find that the project, as described in revised Condition 1, is Categorically Exempt pursuant to Section 15303(c) of the CEQA Guidelines; and
2. Approve Design Review DR12-0003 with the reduction of the proposed sign to 48 square feet, based on the Revised Findings, subject to the Revised Conditions of Approval as presented.

Findings

1.0 CEQA FINDINGS

- 1.1 The proposed structure and facilities fall within the developmental limits allowed under the Section 15303(c) exemption, both for maximum square footage and 'significant' hazardous substances, as this project consists of minor new structures (fuel canopy and installation of one new fuel pump ~~small wood fences~~) and ~~minor exterior alterations to existing structures~~ with no change of use.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the adopted plan (AP) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the County General

Plan designates the subject parcel as Adopted Plan, which refers to the Tahoe Regional Planning Agency's Regional Plan. The parcel is located within TRPA Plan Area Statement (PAS) 125, Meyers Commercial, which refers to the Meyers Community Plan. The proposed retail use is consistent with the Meyers Community Plan. The conditional approval of this design review application, therefore, conforms to the Adopted Plan land use designation.

- 2.2 The project is consistent with all applicable sections of the Meyers Community Plan Design Guidelines including access, bicycle racks, building design, building materials/colors, landscaping, lighting, parking, signage, and the screening of outdoor service areas.

3.0 ZONING FINDINGS

- 3.1 ~~The proposed retail uses are permitted by design review permit within subarea 1 (MCP-1) of the Meyers Community Plan, pursuant to Section 17.58.180.A. The fuel station is a non-conforming use, as defined in Section 17.20.020 of the County Code and its operation may be continued pursuant to Section 17.20.030. The addition of the canopy, relocation of one fuel pump and installation of a fourth fuel pump are considered de minimus and not an expansion as described in Section 17.20.050.~~

- 3.2 As proposed and conditioned, the fuel canopy and monument sign meet all applicable development standards contained within the El Dorado County Zoning Ordinance. The proposed fuel canopy and sign are also consistent with the development standards contained within Table 17.58.190.A.

- ~~3.3 The existing 913 square foot retail shop and 320 square foot storage container can be considered "nonconforming uses" pursuant to Sections 17.20.020 and 17.20.030 of the Zoning Ordinance and therefore, use of the above structures the above uses may be allowed to continue, subject to the limitations found in Section 17.20.040.~~

4.0 DESIGN REVIEW FINDINGS

- 4.1 The architectural style, site layout and improvements for this project are consistent with the Meyers Community Plan Design Guidelines. Further, the Meyers Round Table (Community Advisory Committee) reviewed the project and recommended approval as the proposed design would be consistent with regional architecture and the character of the neighborhood.

Conditions of Approval

Planning Services

1. This design review permit is based upon and limited to compliance with the project description, the Planning Commission hearing exhibits marked Exhibits D, ~~and~~ E, F and

G, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

As approved, this project consists of a remodel of an existing fueling station facility allowing the following ~~uses~~/improvements:

- ~~1a.~~ Construction of a new 2,200 square foot canopy with four fuel pumps;
- ~~2.~~ The re-facing of an existing 2,942 square foot convenience store and gas station office;
- ~~3b.~~ Removal of an all existing freestanding signs, including the 40 square foot freestanding fuel pricing sign and the approximate 100 square foot on-site advertising sign;
- ~~4c.~~ Installation of a 48 square foot monument sign containing 18 square feet of fuel pricing display (including station logo) with four static non-moving LED price panels, and 30 square feet of advertising for on site retail services;
- ~~d.~~ Relocation of an existing diesel fuel pump and installation of a fourth fuel pump to be located under the canopy.
- ~~5.~~ An existing 913 square foot retail bike shop and 320 square foot accessory storage container;
- ~~6.~~ Temporary tent shelters for outdoor bicycle display and service.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval above and below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All project-related plans (such as Landscape Plans, Grading Plans, Building Permit Plans) must be submitted for review and approval and shall be implemented as approved by the County.

2. Developer shall defend, indemnify and hold harmless the County or its agents, officers and employees from any claim, action or proceeding against the County or its agents, officers or employees, to attack, set aside, void, or annul, in whole or in part, the County's approval of the Design Review Permit. In the event that the County fails promptly to notify the applicant of any such claim, action or proceeding, or that the County fails to cooperate fully in the defense of said claim, this condition shall thereafter be of no further force or effect.
3. Prior to issuance of any building permits related to this project, the applicant shall provide a written description, together with appropriate documentation, demonstrating

conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services staff prior to final building inspection (s) for verification of compliance with applicable conditions of approval.

4. ~~The proposed free standing monument sign for fuel pricing and on-site retail sales shall be reduced from the requested 100 square feet to a maximum of 48 square feet of total sign area (per side), not to exceed 18 square feet for fuel pricing (including station logo) and 30 square feet for retail signage. Said sign shall be mounted on a monument base consisting of either natural stone or a natural stone veneer and not exceed 12 feet in height. A revised sign plan shall be reviewed and approved by Planning Services prior to issuance of a building permit for the fuel canopy. The proposed monument sign for fuel pricing and on site retail sales shall be consistent with the final sign plan, Exhibit E, as submitted on 10/8/12.~~
5. ~~A building permit shall be required for a 1,160 square foot unpermitted expansion to the main retail store and station office completed about 1997 (Building Permit Application No. 104530 was allowed to expire without being issued). No new building permits shall be finalized (including canopy permits, sign permits, etc.) until a permit is finalized for the above work.~~
65. Building Permit Application No. 198624 (Accessible restrooms) shall be finalized prior to final of any new building permits (canopy permits, sign permits, etc.) on the project parcels.
76. A landscaped buffer shall be installed along the project frontage with US Highway 50 consistent with the Highway Landscape Buffers/Yank's Station Land Use District Guidelines of the Meyers Community Plan Design Guidelines. Landscaping shall be consistent with the goals of the Meyers Community Plan and shall contain a combination of large deciduous trees and shrubs native to the Tahoe Basin as defined in the Tahoe Regional Planning Agency's plant species list. The applicant shall submit a landscape plan consistent with the above regulations to Planning Services for review and approval prior to issuance of a building permit for the new canopy. Installation of required landscaping will be verified by Planning Services prior to final inspection of the new fuel canopy.
87. Prior to final building occupancy of the fuel canopy and convenience store, all outdoor lighting shall conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation. Planning Services shall verify lighting compliance prior to final building inspection (s) of the new fuel canopy and the convenience store expansion.
98. The applicant shall install at least one bicycle rack at the project site. The location of the bicycle rack(s) shall be reviewed and approved by Planning Services prior to final building inspection(s) of the fuel canopy.

- ~~10.~~ The existing 913 square foot commercial building (bike shop) shall not be expanded, enlarged or extended within the required 25-foot rear building setback from the east property line. Any future expansion, enlargement or extension of said use will be subject to current TRPA and County regulations.
- ~~11.~~ The existing 320 square foot storage container shall not be expanded, enlarged or extended within the required 25-foot rear building setback from the east property line. Any future expansion, enlargement, extension or relocation of this use will be subject to current TRPA and County regulations.
- ~~12.~~ The secondary retail building (bike shop) shall be painted such that its appearance is architecturally consistent with the station store/office building. Planning Services shall verify compliance prior to final building inspection(s) of the fuel canopy.
- ~~13.~~ The existing trash enclosure adjacent to the south side of the convenience store shall be replaced with a solid wood fence no greater than six feet in height and shall be painted to match the existing building color and the slats shall be replaced with slats whose color matches the building. Planning Services will verify compliance prior to final inspection of the new fuel canopy.
- ~~14.~~10. Prior to issuance of a building permit for the new fuel canopy, the pending parcel merge between APN 034-270-10 and APN 034-270-16 (Boundary Line Adjustment Application BLA 12-0017) shall be recorded, and documentation of same (i.e. Certificate of Merge, etc.) shall be submitted to Planning Services.
- ~~15.~~11. In the event that previously unknown cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations on the measures to be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds, in accordance with § 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites.
- ~~16.~~12. If human remains are encountered during earth-disturbing activities within the project area, all work in the adjacent area shall stop immediately and the El Dorado County Coroner's office shall be notified. If the remains are determined to be Native American in origin, both the Native American Heritage Commission (NAHC) and any identified descendants shall be notified by the coroner and recommendations for treatment solicited (CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code §§ 5097.94 and 5097.98).
- ~~17.~~ Temporary tent shelters for bicycle sales and service shall be located adjacent to the associated retail bike shop and shall not obstruct required parking or on-site traffic circulation. The temporary shelters shall be removed no later than October 30 of each

~~calendar year. If the associated retail use (bike shop) should cease, all tent shelters shall be permanently removed from the premises.~~

Environmental Management Department

~~1813.~~ Prior to issuance of any required building permits, construction plans shall be submitted to the Environmental Management Department for review and approval.

Air Quality Management District

~~1914.~~ The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM₁₀) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions mitigation, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a **Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.**

~~2015.~~ The project construction may involve the application of architectural coating, which shall adhere to **AQMD Rule 215 Architectural Coatings.**

~~2416.~~ Prior to construction/installation of the new gasoline dispensers, or any new point source emissions units or non-permitted emission units (i.e., emergency standby engine, etc.), an Authority to Construct application shall be submitted to the AQMD. Submittal of application shall include facility diagram(s), equipment specifications and emission factors. (Rule 501.3.A).

~~2217.~~ All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment. The applicant shall submit a complete list of heavy-duty diesel-fueled equipment to be used on this project to the AQMD including the make, model, year of equipment and daily hours of operation for each piece of equipment.

Lake Valley Fire Protection District

~~2318.~~ The diesel dispensing station, as indicated on page F-2, shall be removed prior to final inspection by the Lake Valley Fire Protection District.

~~2419.~~ Prior to final inspection by Lake Valley Fire, the existing fuel storage tanks and STP Sump's are to be repaired and retested to certify. The test shall be performed by a California licensed contractor and test results shall be submitted to the Lake Valley Fire Protection District for approval.

2520. Prior to final inspection by the Lake Valley Fire District, the site shall demonstrate consistency with all applicable fire regulations including but not limited to the 2010 California Fire Code, Electrical Code, California Code of Regulations, Building Code and Mechanical Code to the satisfaction of the District.

END OF CONSENT CALENDAR

Motion: Commissioner Mathews moved, seconded by Commissioner Shinault, and carried (4-0), to approve the Consent Calendar.

AYES: Rain, Shinault, Mathews, Pratt
NOES: None
ABSENT: Heflin

5. DEPARTMENTAL REPORTS AND COMMUNICATIONS
(Development Services, Transportation, County Counsel)

Pierre Rivas had no reports for Current Planning.

County Counsel Paul Frantz stated that at the October 30, 2012, meeting, the Board of Supervisors would be considering a one-year extension to the moratoriums on the Medical Marijuana Ordinances. In addition, during the week of November 6, 2012, the Board will be discussing non-conforming uses.

6. COMMISSIONERS' REPORTS

Commissioner Shinault spoke on the October 15th deadline for Tahoe.

Although DOT staff was not present, Chair Pratt requested that they escalate the creation of bike event protocols.

9:00 A.M. – TIME ALLOCATION

7. PUBLIC FORUM/PUBLIC COMMENT

Paul Raveling spoke on traffic issues in El Dorado Hills and that his major concern was the Green Valley Road corridor. He believed that the 3 intersections are at LOS F and additional traffic capacity development was needed. Mr. Raveling requested that the Commission work with the Board of Supervisors to resolve this issue.

8. SPECIAL USE PERMIT

S12-0009/Anthem Telecom Telecommunications Tower-Camino submitted by ANTHEM TELECOM (Agent: Gordon Bell/Bell and Associates) to allow the construction of a wireless telecommunications facility consisting of the construction of an 85-foot tall monopine telecommunications tower for up to four total carriers. The property, identified by Assessor's Parcel Number 076-011-44, consisting of 1.66 acres, is located on the south side of Camp Snowline Road, approximately 700 feet east of the intersection with Pony Express Trail, in the Camino area, Supervisorial District 3. [*Project Planner: Tom Dougherty*] (Negative Declaration prepared)*

Tom Dougherty presented the item to the Commission with a recommendation for approval.

Gordon Bell/applicant's agent was present and available for questions.

Chair Pratt closed Public Comment.

Commissioner Mathews commented that it was interesting that there was a noise requirement in the Conditions of Approval when the property was located near a highway.

No further discussion was presented.

Motion: Commissioner Rain moved, seconded by Commissioner Shinault, and carried (4-0), to take the following actions: 1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and 2. Approve Special Use Permit S12-0009 based on the Findings and subject to the Conditions of Approval as presented.

AYES: Mathews, Shinault, Rain, Pratt
NOES: None
ABSENT: Heflin

This action can be appealed to the Board of Supervisors within 10 working days.

Findings

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

1.0 CEQA FINDINGS

1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.

- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.5.9 (support in a residential area) and 2.2.5.21 (compatibility with surroundings) because a cellular telecommunications facility has historically been considered to be a public facility and the project would provide residential support uses. As conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities. The project provides improved cellular service for phone, as well as internet and emergency communications to the Camino and Highway 50 corridor area;
 - b. 6.2.3.2 (adequate access) because as conditioned, the project will meet the minimum Fire Safe standards for the on-site access driveway width and surfacing as well as the turnaround capacity for emergency vehicles at the lease area site to the satisfaction of the El Dorado County Fire Protection District; and
 - c. 6.5.1.7 (noise exposure) because the air conditioner and generator specification sheets demonstrates that the project will have noise levels anticipated to comply with the County's standards listed in Table 6-2 in the General Plan that limit acoustical noise emission levels, and the project is conditioned for future carriers to do an additional noise analysis for their building permits to re-verify project compliance at each building permit.

3.0 ZONING FINDINGS

- 3.1 The project site is zoned R1A, which allows wireless communication facilities subject to the standards and permitting requirements of Section 17.14.210 of the County Code. These standards include screening, compliance with setbacks, and proper maintenance. The project has demonstrated that as proposed and conditioned, it is compliant with Zoning Ordinance Section 17.14.210.

4.0 SPECIAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements in the El Dorado County General Plan, as discussed in the General Plan and Special Use Permit sections of this Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.1.

4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.

The use will not conflict with the adjacent uses as the ground-support equipment will be buffered from view by a six-foot tall slatted chain link fence and existing vegetation. The project is anticipated to result in insignificant environmental, visual, noise, and traffic impacts to surrounding residents. The proposed use is not anticipated to create hazards that would be considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. At less than five percent of the public safety standard established by the FCC, the risk of Radio Frequency (“RF”) emissions to the public is remote.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use complies with the requirements of County Code Sections 17.14.210.5.b (telecommunications towers subject of a special use permit; 17.14.210.E through J (facility requirements/analysis), 17.28.070.C (special use permit required for public utility structures in the R1A Zone District), and 17.28.080 (minimum yard setbacks for R1A Zone District).

Conditions of Approval

Planning Services

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit F-1	Overall Site Plan, Sheet A-1, dated July 5, 2012
Exhibit F-2	Site Plan, Sheet A-2, dated July 5, 2012
Exhibit F-3	AT&T Equipment Plan and Details, Sheet A-3, dated July 7, 2012
Exhibit F-4	AT&T Antenna Plan and Details, Sheet A-4, dated July 7, 2012
Exhibit F-5	Elevations, Sheet A-5, dated July 7, 2012
Exhibits G-1, G-2.....	Visual Simulations

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

Approval of the Special Use Permit allows the construction and operation of a new multi-user wireless communications facility to support cellular transmission, within the existing 1.66-acre parcel identified by Assessor's Parcel Number 076-011-44, and consisting of the following:

- a. An 85-foot tall monopine telecommunications tower for up to four total carriers (tallest branches 85 feet; top of metal pole to be 80 feet, both above ground level);
- b. Nine antennas at a centerline of 77 feet above ground level;
- c. One 20-foot by 11.5-foot prefabricated ground equipment shelter to house equipment cabinets and associated equipment, the height shall be consistent with that shown on Sheet A-5;
- d. One 6-foot tall chain link fence constructed around the perimeter of the 30 by 90-foot lease area, with green vinyl slats installed for screening with two 6-foot wide gates for access;
- e. Two air conditioning units shall be mounted on the outside of the equipment enclosure as shown on Sheet A-2;
- f. One shielded light mounted near the equipment shelter door as shown in Sheet Number A-3;
- g. One, 5-foot wide utility easement for undergrounding the electrical and telecommunications utilities for a distance of approximately 345 feet, to be located as shown on Sheet A-1.

The approval also allows up to four total carriers to collocate on the tower through the building permit process for up to 12 antennas and two microwave dishes each, and related ground support equipment. Each future carrier shall submit a cumulative noise analysis with their building permit application that demonstrates the entire project is in compliance with General Plan noise standards as set forth in Condition 8.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

2. **Gate:** A special use permit application for the existing gate across Camp Snowline Road, shown in Exhibit J-1, as required pursuant to Parcel Map PM49-86 (Exhibit C), shall be submitted by the affected parcel owners prior to issuance of any building or grading permit for the subject telecommunications tower. The special use permit for the gate shall be approved by the Planning Commission prior to building permit final for the

subject telecommunications tower. If no special use permit application has been filed, the entire gate and all related components shall be removed entirely, prior to issuance of a grading or building permit for the subject telecommunications facility.

3. **Expiration:** Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
4. **Project Conformance:** Project improvements shall be completed in conformance with the plans submitted and in conformance with the conditions of approval herein and shall substantially comply with Exhibits E-1 to F-3. Minor variations are allowed, however, any major changes in any element of the approved project shall require review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas or other changes to the approved project may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit. This review shall always occur prior to any approved project modifications.
5. **Responsibility for Interference:** The applicant shall assume full responsibility for resolving television reception interference or other electrical interference caused by the operation of this facility. The applicant shall take corrective action within 30 days of the receipt of any written complaint.
6. **Changes or Expansions of the Approved Project:** Expansions to the lease area, increases in pole height, or additional antennas mounted on the monopine shall be subject to review and approval by the Development Services Director. Should the Director find that additional lease area, height or antennas may create a significant visual impact, the Director shall decide if the changes can be approved administratively or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
7. **Lighting:** One exterior emergency light is approved and shall be located as shown on Sheet A-3. The light shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. The final lighting fixture specification sheet and location shall be submitted for review and approval by Planning Services for conformance with Sheet A-3 prior to issuance of a building permit. The light shall be activated with motion-sensor or timer. All future carriers shall demonstrate the same compliance prior to issuance of any future building permit for that carrier.

Should the installed light be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of Planning Services.

8. **Collocations:** The applicant shall consent to the co-location of other wireless telecommunication communication users on this tower when feasible and without an increase in the height of the tower, and/or antennas. All new collocations, and/or addition of any new piece of equipment that creates noise, shall be subject to the submittal of equipment noise specification report, and/or a full site acoustical analysis, as determined by Planning Services, for review and approval by the Development Services Director if generators, air conditioners or any other noise making piece of equipment are included in the project proposal. Should the Director find that additional noise may create a significant impact; the Director shall decide if the changes can be approved administratively through the building permit process or will be reviewed by the Zoning Administrator or the Planning Commission through an amendment to this Special Use Permit.
9. **Facility Appearance and Maintenance:** All equipment shelters, cabinets or other auxiliary structures for all carriers shall be painted with substantially consistent colors to meet the screening requirements of Section 17.14.210.F. All facility RF antennas shall be painted with non-reflective paint and maintained to match the color of the branch needles. All antennas shall be covered with antenna socks that shall match the color and texture of the branch needles. The "branches" shall be installed with random lengths that create an asymmetrical appearance conforming to the shape of a natural pine tree. The branches shall have a dark green color that resembles the surrounding conifer trees. The fenced enclosure shall contain dark green or brown slats and shall not have gaps at any portion where it touches ground level. No antenna shall project out past the "branch" tips. Colors of the tower, facade, antennas, and other appurtenances shall be maintained to ensure the appearance remains consistent and so that nothing on the tower causes a reflection of light. All improvements associated with the facility, including equipment shelters, towers, antenna, fencing, and landscape shall be properly maintained in good visual repair at all times. The applicants shall provide proof to Planning Services that the painting of the structures and antennas, are painted as conditioned prior to final approval for the Building Permit.
10. **Conditions Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to Building Permit final for any Building Permit for verification of compliance with applicable Conditions of Approval.
11. **Obsolete Equipment:** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify Planning Services at the time of abandonment and all disturbance related to the communication facility shall be restored to pre-project conditions.

12. **Five-Year Review:** Due to the ever-changing technology of wireless communication systems, this Special Use Permit shall be reviewed by the County Development Services Department every five years. At each five-year review, the permit holder shall provide the Development Services Department with a status report on the then current use of the subject site and related equipment. Development Services shall review the status and present that report to the approving authority with a recommendation whether to:
 - a. Allow the facility to continue to operate under all applicable conditions; or
 - b. Hold a public hearing to determine whether to modify the conditions of approval in order to reduce identified adverse impacts; or initiate proceedings to revoke the special use permit, requiring the facility's removal if it is no longer an integral part of the wireless communications system.

By operation of this condition, it is the intent of County to reserve the right to modify or add new conditions, consistent with the language specified above. The failure of the County to conduct or complete a five-year review in a timely fashion shall not invalidate the Special Use Permit. The applicant shall pay a fee determined by the Development Services Director to cover the cost of processing a five-year review on a time and materials basis.

13. **Compliance Responsibility:** The operator (lessee) and property owner (lessor) are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the owner and the operator.
14. **Cultural Resources:** If human remains are discovered at any time during the project improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicants shall retain an archaeologist to evaluate the resource.

If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the applicants, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the applicants and shall be subject to review and approval by Planning Services.

15. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No permits shall be issued until said fees are paid.
16. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner

agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

Environmental Management-Solid Waste and Hazardous Materials Division

17. Under the CUPA programs, because the operation will involve the storage of reportable quantities of hazardous materials (55 gallons, 500 lbs, 200 cubic feet) for backup power generation, a hazardous materials business plan for the site shall be submitted to the Environmental Management Department and applicable fees paid.

Air Quality Management District

18. The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. AQMD Rules 223 and 223.1, which address the regulations and mitigation measures for fugitive dust emissions, shall be adhered to during the construction process. Mitigation measures for the control of fugitive dust shall comply with the requirements of Rule 223 and 223.1. In addition, a Fugitive Dust Mitigation Plan (FDMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction.
19. Project construction may involve road development and should adhere to AQMD Rule 224 Cutback and Emulsified Asphalt Paving Materials.
20. Burning of wastes that result from "Land Development Clearing" must be permitted through the AQMD. Only vegetative waste materials may be disposed of using an open outdoor fire (Rule 300 Open Burning).
21. Prior to construction/installation of any new point source emissions units or non-permitted emission units (i.e., gasoline dispensing facility, emergency standby engine, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501.3.A)
22. All portable combustion engine equipment with a rating of 50 horsepower or greater shall be permitted by the California Air Resources Board (CARB). A copy of the current portable equipment permit shall be with said equipment.